

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANIEL BARRANCO

Plaintiff,

-V.-

LA ISLA RESTAURANT, INC. et al.,

Defendants.  
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ORDER OF DISCONTINUANCE  
22 Civ. 1323 (GWG)

GABRIEL W. GORENSTEIN, United States Magistrate Judge

This case contains claims under the Fair Labor Standards Act. On March 25, 2022, an order was issued on the parties' consent agreeing to disposition of this matter by the undersigned pursuant to 28 U.S.C. § 636(c). In a filing dated December 22, 2022 (Docket # 35), the parties have submitted their proposed settlement agreement. Having reviewed the proposed settlement pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), the Court finds that it is fair and reasonable. The settlement is approved. This approval is conditioned on each payment received toward the settlement being paid immediately to the plaintiff in the same proportion as plaintiff is entitled to the total settlement payment (or in a greater amount if the attorney prefers). If this was not the parties' intention, they should explain and seek approval of any other arrangement.

Accordingly, this action is dismissed with prejudice and without costs except as may be stated in the settlement agreement. The Court will retain jurisdiction to enforce the settlement agreement.

Any pending motions are moot. The Clerk is requested to close the case.

SO ORDERED.

Dated: December 23, 2022  
New York, New York



GABRIEL W. GORENSTEIN  
United States Magistrate Judge